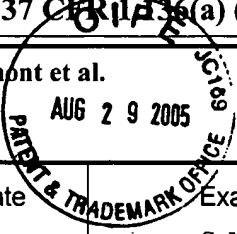
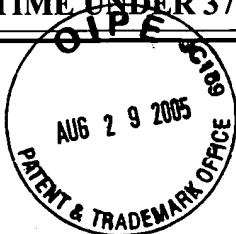


1617
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COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Large Entity)					Docket No. Army104	
In Re Application Of: van Hamont et al.						
						
Application No. 09/478,822	Filing Date 1/6/00	Examiner S. Wang	Customer No. 000041022	Group Art Unit 1617	Confirmation No. 2214	
Invention: EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES						
<u>COMMISSIONER FOR PATENTS:</u>						
This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>April 29, 2005</u> in the above-identified application. <i>Date</i>						
The requested extension is as follows (check time period desired):						
<input checked="" type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months						
from: <u>July 29, 2005</u> until: <u>August 29, 2005</u> <i>Date</i> <i>Date</i>						
The fee for the amendment and extension of time has been calculated as shown below:						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE		ADDITIONAL FEE
TOTAL CLAIMS	27 -	27 =	0	x \$18.00		\$0.00
INDEP. CLAIMS	5 -	5 =	0	x \$88.00		\$0.00
FEE FOR AMENDMENT						\$0.00
FEE FOR EXTENSION OF TIME						\$120.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME						\$120.00
08/31/2005 WABDELRI 00000027 210380 09478822						
01 FC:1251 120.00 DA						

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
Army104



The fee for the amendment and extension of time is to be paid as follows:

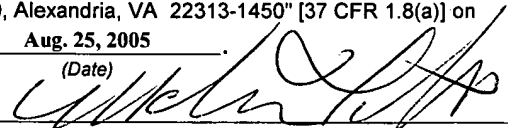
- ☐ A check in the amount of _____ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. **21-0380** in the amount of **\$120.00**
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **21-0380**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **21-0380**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Marlana Titus, Reg. No. 35,843
for Elizabeth Arwine, Reg. No. 45,867
Attorney for applicant
US Army Medical Research and Materiel Command
504 Scott Street
Fort Detrick, MD 21702-5012
(301) 977-7227

Dated: August 25, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>Aug. 25, 2005</u> (Date)  Signature of Person Mailing Correspondence Marlana Titus Typed or Printed Name of Person Mailing Correspondence
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CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: PATENT APPLICATION of
Inventor(s) Van Hamont, et al.

Appln. No.: 09/478,822 (U.S. Patent No. 5,705,197)
Issued January 1, 1998

Group Art Unit: 1617

Reissue Filed: January 6, 2000

Examiner: S. Wang

Title: EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES

Date: August 25, 2005

RESPONSE TO OFFICE ACTION

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 29, 2005, we provide the following response.

Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Rejection of Claims 11-27 under 35 U.S.C. §251 as Being Based Upon New Matter

In the April 29, 2005 Office Action, claims 11-27 are rejected as being based upon new matter added to the patent for which reissue is sought. Specifically, the Examiner is objecting to the following terms and phrases: (1) anhydrous process; (2) biodegradable polymer; (3) first organic solvent; (4) second non-polar organic solvent suitable to extract residual first organic solvent; and (5) biologically active material-stabilizer matrix. The Examiner has stated that this application as originally filed fails to provide sufficient written description to support those concepts recited in the claims.